

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TWIN BRIDGES WASTE AND RECYCLING, LLC,

Plaintiff,

v.

1:21-CV-0263
(DNH/DJS)

COUNTY WASTE AND RECYCLING SERVICE,
INC., *et al.*,

Defendants.

DANIEL J. STEWART
United States Magistrate Judge

DISCOVERY ORDER

As directed, Counsel for Plaintiff Twin Bridges Waste and Recycling, LLC (“Twin Bridges”), has submitted to the Court, for an *in camera* review, Bates-stamped documents relating to the purchase of Twin Bridges and Consolidated Waste Services, LLC by Casella Waste Management Inc. The following documents were provided and reviewed:

1. Letter of Intent dated March 6, 2023. Bates C1-C5.
2. Asset Purchase Agreement dated June 9, 2023. Bates C6-C145.
3. Disclosure Schedules to the Asset Purchase Agreement. Bates C146-C363.
4. Real Estate Purchase and Sale Agreement between Consolidated Waste Services, LLC and Casella Waste Management of N.Y., Inc. Bates C364-C396.
5. Real Estate Purchase and Sale Agreement between 8- 12 Tabor Road LLC and Casella Waste Management of N.Y., Inc. Bates C397-C432.

6. Real Estate Purchase and Sale Agreement between 1626 Route 9 Halfmoon LLC and Casella Waste Management of N.Y., Inc. Bates C433-C469.
7. Real Estate Purchase and Sale Agreement between Spare Lots LLC and Casella Waste Management of N.Y., Inc. Bates C470-C504.
8. Real Estate Purchase and Sale Agreement between More Property Halfmoon LLC and Casella Waste Management of N.Y., Inc. Bates C505-C539.
9. Consolidated Waste LLC due diligence Executive Summary dated January 27, 2023. Bates C540-599
10. Consolidated Waste Services, LLC and its Subsidiaries – Twin Bridges Waste and Recycling, LLC and SGS Holdings, LLC, Financial Statement and Independent Auditor’s Report, dated December 31, 2022, prepared by MMB+CO. Bates TB 17120-17140.
11. Consolidated Waste Services, LLC and its Subsidiary Twin Bridges Waste and Recycling, LLC, Financial Statement, and Independent Auditor’s Report, dated December 31, 2022, prepared by Marvin and Company. Bates TB 982-998.
12. Consolidated Waste’s Income Statements. Bates TB924-00931; TB1002 (9 documents totaling 19 pages, all bearing the same Bates number); TB1004 (35 pages, all bearing the same Bates number); & TB1006 (18 pages, all bearing the same Bates number).

After reviewing the documents, the Court concludes that they contain information that is material to the case, and in particular, the claim for damages allegedly sustained by Plaintiff, as well as on the issue of whether there was a “dangerous probability of

success” on the attempted monopolization claim. *See* Dkt. No. 28 at p. 13. Accordingly, the Court directs that Plaintiff’s counsel provide to defense counsel copies of the above referenced documents. The Court places two limitations on the disclosure, however. First, Bates C000221-C000360 appear to represent customer lists. That information has already been provided, in limited form, pursuant to this Court’s Order dated October 6, 2022. Dkt. No. 49. Accordingly, Plaintiff’s counsel need not provide those particular pages. Second, because of the highly sensitive nature of the material reviewed *in camera*, and its relation to a yet-to-be-consummated purchase, the Court directs that the disclosure of the remaining information be limited to “Attorneys’ Eyes Only.” Counsel are acutely aware of the responsibility that applies to such a designation. The Court has reviewed the agreements regarding the issue of confidentiality, and notes that disclosure pursuant to a Court Order is authorized. *See, e.g.*, Bates C3 & C53.

WHEREFORE, it is hereby

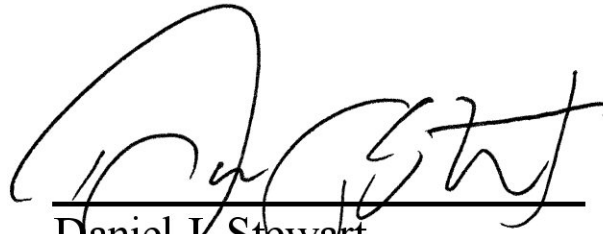
ORDERED, that Disclosure of the Bates stamped pages referenced above should be made by Plaintiff’s Counsel to Defense Counsel within seven (7) days of the date of this Order; and it is further

ORDERED, that the supplied documents shall be designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order, Dkt. No. 38; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Decision and Order upon the parties to this action.

IT IS SO ORDERED.

Dated: August 3, 2023
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge

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